

**Minutes  
Nevada State Emergency Response Commission (SERC)  
Second Quarterly Meeting**

**Professional Engineers and Land Surveyor's Board Room  
1755 E. Plumb Lane, Suite 130  
Reno, Nevada**

**April 12, 2007**

**Members Present**

Richard Brenner, Co-Chair  
Carl Byrd  
Susan Crowley  
Tom Czehowski  
Larry Farr  
Stacey Giomi  
Jim O'Brien  
Steve Orr  
Tom Porta  
Jim Reagan  
Doug Webb  
Jim Wright

**Members Not Present**

Tim McAndrew, Co-Chair  
John Helmreich  
Dennis Nolan  
Frank Siracusa  
Doyle Sutton

**Staff**

Suzanne Adam  
Bruce Ferrel  
Karen Kennard  
Samantha Ladich

**Guests**

Michael Ardito  
Bruce Barnes  
Matthew Bradley  
Craig Nixon  
Harry Raub

**I. CALL TO ORDER**

Richard Brenner, Co-Chairman, called the meeting to order at 9:02 a.m.

**II. INTRODUCTIONS**

Members, staff and guests introduced themselves as shown above.

**III. APPROVAL OF MARCH 8, 2007 MEETING MINUTES**

Jim O'Brien made a motion to approve the minutes of the March 8, 2007 Special SERC meeting. Jim Reagan seconded the motion which was approved unanimously.

**IV. NEW BUSINESS**

**A. Local Emergency Planning Committee (LEPC) Updates (*attending LEPC Representatives*)**

*Carson City LEPC* – Stacey Giomi advised Carson City held a terrorist-based hazmat component drill that dealt with a mass casualty incident in March 2007. Carson-Tahoe Hospital was involved with this exercise.

*Clark LEPC* – Mr. O’Brien talked about the upcoming HazMat Explo<sup>11</sup>. There has been regular attendance at the HazMat Explo planning meetings. FEMA Region IV, has a metropolitan medical response program and will present at the Explo. In addition, there will be a presentation on ideas for exercise alternatives for LEPCs.

*Douglas LEPC* – Steve Orr advised the LEPC has discussed SERC’s concerns with Douglas not getting outside private business involved. Mr. Orr assured the Commission numerous attempts have been made without generating any interest. The LEPC has approved the SERC grant application.

*Lander LEPC* – Carl Byrd advised shortly the Lander LEPC will be nonexistent. Mr. Byrd stated he has spoken with one of the County Commissioners about this matter. Mr. Byrd and the County Commissioners are going to try to form a new LEPC. Mr. Brenner advised the SERC will assist in any way possible.

*Mineral LEPC* – Craig Nixon advised Mineral LEPC was involved in a cleanup for a mercury spill in March 2007. It was a week long incident and went smooth with all of the agencies involved working together. This incident provided invaluable training, since the Hawthorne Army Depot will soon be the mercury storage capitol for the Dept. of Defense.

Harry Raub of Douglas County arrived at the meeting. Mr. Raub stated the Douglas LEPC is working on different ways to get more involvement from private business. He also added there will be a hazmat exercise in May 2007 on the M.S. Dixie.

## **B. U.S. Environmental Protection Agency (USEPA) Update**

Mike Ardito referred to the EPA handout and talked about the Nationwide survey of LEPCs in the Summer of 2007. This is the first survey since 1999. The results should be available later this year. The survey will be posted on the USEPA website. The LEPC will be able to logon using their primary e-mail address.

Mr. Ardito advised President Bush issued Executive Order 13423 on January 26, 2007 about “Strengthening Federal Environmental, Energy and Transportation Management.” Federal agencies still need to comply with the provisions in sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Mr. Ardito advised the “mid-year” national meeting for National Association of

SARA Title Three Program Officials (NASTTPO) combined with the annual EPA Western Regions' Emergency Prevention and Preparedness conference is scheduled to be held Tuesday, November 6 – Thursday, November 8, 2007 at the Tuscany Hotel in conjunction with the annual HazMat Expo.

Mr. Ardito stated the EPCRA/SARA Title III "List of Lists" was updated in Fall 2006 and the web version is now posted and available on the EPA's national website.

New versions of the Computer-Aided Management of Emergency Operations (CAMEO) are available on EPA's website.

Nevada's Toxic Release Inventory (TRI) reports for 2005 were issued a few weeks ago and results are posted on EPA's website. Nevada showed an overall increase in toxic releases of 21 percent in 2005 compared to 2004.

Mr. Ardito advised the Department of Homeland Security (DHS) released an interim final rule that imposed comprehensive federal security regulations for high risk chemical facilities. DHS estimates 5,000 facilities will be impacted by the regulations.

EPA will be posting the annual progress report for the EPA Pacific Southwest Region's environmental programs on the website on or about April 16, 2007.

Mr. O'Brien referenced the high risk chemical facilities and asked if there was some coordination going on between this program, the Buffer Zone Protection program, and the National Infrastructure Protection program. Mr. Ardito stated he did not know to what extent DHS has coordinated with other programs.

Larry Farr asked about the focus of the LEPC survey. Mr. Ardito stated the survey is being done because of situations that have happened since 1999, i.e., extended roles taken on since 911, Homeland Security, all hazards planning, etc.

### **C. U.S. Federal Emergency Management Agency (FEMA) Update**

Matthew Bradley, FEMA Region IX/National Preparedness Division, advised FEMA is currently upgrading the National Incident Management System (NIMS) and the National Response Plan (NRP). The NIMS' first draft brochure has been released and the comment period has been extended until April 13, 2007. The NRP brochure should have already been released. Mr. Bradley stated if there are any comments about the NRP, each agency may nominate an NRP representative and e-mail the comments to [fema-r9-nrp@dhs.gov](mailto:fema-r9-nrp@dhs.gov) or [fred.wehrenberg@dhs.gov](mailto:fred.wehrenberg@dhs.gov).

The TOPOFF exercise has taken place in Oregon, Guam and Arizona.

Mr. Bradley advised FEMA is going through reorganization with aspects of the DHS being integrated back into FEMA. This will open up FEMA for more grants.

Karen Kennard asked Mr. Bradley to define the word “agencies” when talking about the brochures for NIMS and NRP. A discussion ensued. Mr. Brenner advised SERC staff will send the brochure information. Mr. O’Brien advised Frank Siracusa, Division of Emergency Management, has already sent a letter to Emergency Managers and County Managers who have been asked to appoint a single point of contact.

#### **D. Occupational Safety and Health Administration (OSHA) Update**

Tom Czehowski advised OSHA is dedicating a lot of time to resources for six OSHA fatalities investigations. These fatalities are more than OSHA has had at any one time.

#### **E. Division of Emergency Management (DEM)**

Frank Siracusa was not present and there was nothing to report.

#### **F. Division of Environmental Protection Update (NDEP)**

Tom Porta advised that the 2005 TRI report discussed earlier in this meeting needs clarification about the 21 percent increase in toxic releases in Nevada. Mr. Porta explained increased mining accounts for most of the toxic release. Any time ore is mined, pulled out of the ground and moved, it is considered a release.

The Nevada Division of Environmental Protection (NDEP) has awarded its first EPA counter-terrorism coordination grant. The drinking water program has been receiving about \$50,000 per year since 2002 and the funds have grown large enough to develop a grant. The purpose of the grant is to create a water and waste water agency response network. It will provide a website of contact resources for water and waste water systems to utilize statewide in the event of an emergency, i.e., pumps, generators, personnel, chlorinators, etc. In addition, the grant will provide an early warning water contaminant detection system for water systems.

#### **G. Nevada State Fire Marshal (SFM) Update**

Jim Wright, State Fire Marshal, advised the SFM is moving forward with their expanded training program. Mr. Wright stated SFM is already receiving requests. The SFM requested assistance from local responders in projecting training needs.

The SFM has been very busy with the Legislative session and budgets.

#### **H. Report of Legislative Committee**

Mr. Reagan advised the last action the Legislative Committee took was at the March 8, 2007 Special SERC meeting, when the Committee recommended the withdrawal of SB50. The Committee has not met since.

#### **I. Report of Strategic Planning Committee**

Susan Crowley advised the Committee had not met and there is nothing to report.

#### **J. Report of Funding Committee**

##### **1. Discussion of FFY 2007 Hazardous Materials Emergency Preparedness (HMEP) mid-cycle grant applications from LEPCs**

Ms. Kennard advised the Funding Committee awarded a mid-cycle HMEP training grant to Lincoln LEPC for training equipment in the amount of \$4,788. Washoe LEPC was also awarded \$16,726 for plan updates and an exercise from the HMEP planning grant.

##### **2. \*Discussion/Review/Action and approval of fiscal year 2008 SERC grant applications to the SERC from LEPCs**

Mr. Brenner referenced the spreadsheet handout and advised Lander LEPC was the only LEPC not to apply for a SERC grant.

Ms. Kennard advised the LEPCs that have contingencies from the Planning and Training Subcommittee such as approval of plans, submission of minutes, have until April 16, 2007 to submit based on the 45 day notice. There are some LEPCs that have contingencies placed on them from the Funding Committee.

Mr. O'Brien made a motion to approve the Funding Committee's recommendations for the FY 2008 SERC grants. Mr. Giomi seconded the motion.

Bruce Ferrel advised staff would like to recommend funding of Douglas LEPC's thermal imaging camera from the training category rather than the equipment. The thermal imaging camera will be used in the LEPC's safety and training vehicle. Mr. Raub added the trainer does onsite training in addition to responding to calls. A discussion ensued.

Ms. Kennard stated there are items throughout the applications that were

requested to be funded from the training category; the foam for Carson City, the training prop for Clark LEPC and several others. There have been discussions since the Funding Committee meeting with the Fire Marshal's Office in regards to using the hazardous materials contingency account money, which supports hazmat training, to fund these items. A discussion ensued about using hazardous materials contingency account money for training. Mr. Giomi asked Mr. Wright what steps LEPCs must use to access funds through the SFM. Mr. Wright stated these requests would be treated the same as if for a training class. The SFM can set this up so either the LEPC purchases it and SFM reimburses them or the SFM sets up an invoicing process. Mr. Giomi was concerned since there is no process in place, the LEPCs will not get what they were awarded. Ms. Kennard stated she sees the process already being set, since the instructors submit an invoice to SFM to be paid.

A vote was taken on the motion which was approved unanimously.

Mr. Brenner advised this item could be moved to the next Funding Committee meeting for further discussion.

**3. \*Discussion/Review/Action on possible additional grant award to Clark LEPC to support HazMat Explo<sup>11</sup> and possible grant period date to commence March 1, 2007**

Ms. Kennard advised the Funding Committee recommended approval of an additional \$15,000 for Clark LEPC to support HazMat Explo. The request to have this award retroactive to March 1, 2007 came in after the meeting and was not considered. As it stands, the award would begin immediately if the SERC approved it.

Mr. Farr made a motion to approve the request from Clark LEPC for \$15,000 for marketing of the HazMat Explo<sup>11</sup>, effective immediately upon approval. Ms. Crowley seconded the motion which was approved unanimously.

Ms. Kennard advised there are additional items under Funding, including discussion on changing the SERC standard equipment price list to the State contract list. The contracts are on the State Purchasing Division's website. The members of the Funding Committee found it was difficult to find the contract prices and to the extent possible and practical, staff will work on integrating links to the State contracts with the current SERC standard equipment list.

As the database project came to a standstill this last quarter, Ms. Kennard did not complete any type of implementation training plan that the Commission requested at the previous SERC meeting. However, the

database committee has included a train the trainer course for users and administrators of the new database in the contract. The vendor can provide training to the users for \$2000, plus travel for an eight hour session for ten people.

#### **K. Report of Bylaws Committee**

##### **1. \*Discussion/Review/Action of the LEPC membership lists for compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA)**

Mr. Farr advised the Committee met on March 29, 2007 to review LEPC bylaws and membership lists. Primarily, the LEPCs are working towards filling the 13 EPCRA categories. The Committee had some concerns about Douglas LEPC, having only four categories filled. When asked about the representation of LEPC members, Douglas LEPC advised they have made efforts to get more representation but parties do not attend the meetings. Mr. Farr stated in order to ensure the county's needs are being met, Douglas LEPC needs a full working LEPC including public/private partnerships, community groups, hospitals, etc.

Some of the LEPC do not have state elected officials and broadcast media because of the difficulty in getting their participation.

Mr. Orr stated he and Mr. Raub can work on further attempts to get more members for the Douglas LEPC and update the SERC at its next quarterly meeting. Mr. Byrd advised he will provide assistance to the Douglas LEPC.

##### **2. \*Discussion/Review/Action of LEPC bylaws for compliance with EPCRA**

Mr. Farr advised the bylaws were in compliance. No action was necessary.

#### **L. Report of the Information Technology Committee**

Mr. Brenner stated the Committee met earlier in April and discussed SERC's contract on the database system. At the March 8 Special SERC meeting it was discussed how the cost substantially increased. Mr. Brenner and Ms. Kennard spoke with the IDSi staff. IDSi came back with a proposal. Ms. Kennard advised there was an increase in price and a limitation on users per county. After a query of LEPCs, Ms. Kennard found 100 users per county would be sufficient throughout the State. Mr. Brenner, Tim McAndrew, Ms. Kennard and the DOIT Project Manager, teleconferenced with the vendor. IDSi lowered the centralized enterprise licensing price to \$4,600 making the total project cost \$274,000. The vendor anticipates it will take eight months to get the database up and running.

Doug Webb asked if licenses not used in one county could be moved to another. Ms. Kennard will check with the vendor. Ms. Crowley questioned the status of other states implementing this system. Ms. Kennard advised all governmental agencies she spoke with have been satisfied with the vendor and product.

Mr. Farr made a motion to direct the co-chairs and the Executive Director to move forward in final negotiations and finalize the contract not to exceed \$275,000. Ms. Crowley seconded the motion. Mr. Giomi asked if there was an assurance staff will be trained to a level where they will be able to teach others in the future. Ms. Kennard assured SFM and SERC staff will be sufficiently trained. There will also be manuals and a train the trainer class. The motion was voted on and approved unanimously.

#### **M. Report of the Policy Committee**

- 1. \*Discussion/Review/Action regarding on possible revision to SERC Policy 8.1, Hazardous Materials Response Plan and Exercises, regarding requirement to report on an exercise or incident within 60 days**

Mr. Giomi made a motion to approve the recommendation of the Policy Committee and accept the changes to Policy 8.1 as presented. Ms. Crowley seconded the motion. Ms. Kennard advised this motion will take care of numbers 1 and 2 of Section M. The motion was approved unanimously.

- 2. \*Discussion/Action on Policy 8.1, Hazardous Materials Response Plan and Exercises, regarding possible state agency eligibility requirements for submission of response plans, Level of Response Questionnaire, and notification and reporting of exercises**

This item was discussed and motion made and approved under Item 1.

*The Commission reviewed the new “definitions” page to be added to the policies*

Ms. Kennard advised, at the last Policy Committee meeting, members had questions as to the definition of “state agencies” and “project manager.” The Committee created a definitions page to be added to the SERC policies. Ms. Kennard suggested questions like this may come up while going through the policies, so the Commission should go through the policies, what the changes are and then come back with the motions.

The Commission went through the definitions. Mr. O’Brien advised the Policy Committee will continue to work on the definitions page.

- 3. \*Discussion/Action on Policy 8.2, Grant Application, Grant Awards,**



**regarding establishment of criteria to determine state agency eligibility to receive grant funds from the SERC**

Mr. O'Brien advised the Committee's intent was not to put state agencies in direct competition with LEPCs. LEPCs would have priority for grant funds. Anything remaining could be awarded to state agencies, up to 20% of the original available amount. Discussion was held and the proposed policy was amended to include "Head of State agency" instead of Dept. head.

**4. \*Discussion/Action on Policy 8.2a, License Plate Funding, Grant Application, Grant Awards, regarding establishment of criteria to determine state agency eligibility to receive grant funds from the SERC**

Mr. O'Brien advised this policy was also where state agency eligibility is added. In the evaluation factors section, the word "mitigation" has been added. Discussion was held and the proposed policy was amended to include "Head of State agency" instead of Dept. head.

**5. \*Discussion/Action on Policy 8.3, Certified Assurances and Compliance Certification, regarding possible state agency eligibility requirements for submission of Compliance Certification form**

Mr. O'Brien stated under 8.3-1, the state agency compliance certification has been added as a requirement. Page 2 included the head of the state agency and project manager as the required signatures. Page 3 includes the plan update requirements in Item D and the state agency compliance certification at number 3. Discussion was held and the proposed policy was amended to include "Head of State agency" instead of Dept. head and State agency project manager.

**6. \*Discussion/Action of Policy 8.5, Funding of Grants, for possible substitution of "LEPC" with "grantee/subgrantee" as used throughout the policy**

Mr. O'Brien stated now there are eligible state agencies, it made sense to use a common term. The word "LEPCs" has been replaced with "grantee/subgrantee." Ms. Kennard stated for clarification, since not all the requirements are in relation to receiving a grant, policies 8.5, 8.8, and 8.13 still include "LEPCs."

**7. \*Discussion/Action on possible revision to Policy 8.6, Reporting, regarding procedures**

Mr. O'Brien stated the Committee decided this policy was important to advise of reporting requirements.

**8. \*Discussion/Action regarding possible changes to Policy 8.6, Reporting, as a result of state agency eligibility requirements as discussed on this agenda**

This item was discussed in Item 7.

**9. \*Discussion/Action of Policy 8.8, Sub-recipient Program Monitoring and Financial Audits, for possible substitution of “LEPC” with “grantee/subgrantee as used throughout the policy**

Mr. O’Brien advised changes to this policy include a due date of financial reports consistent with NAC. Discussion was held and the proposed policy was amended to include “Head of State agency” instead of Dept. head. “LEPC” will be substituted with the words grantee/ subgrantee.

**10. \*Discussion/Action of Policy 8.13, Original Signatures; Faxed/E-mailed Documents, for possible substitution of “LEPC” with “grantee/subgrantee” as used throughout the policy**

Mr. O’Brien advised the Committee reorganized this policy to state more specifically when original signatures are required to be submitted to SERC and when it is all right to have faxes/e-mails signatures submitted to SERC, and to include the state agency as part of the consideration. Discussion was held and the proposed policy was amended to include “State agency project manager” instead of project manager.

Mr. Giomi made a motion to approve the following policies: 8.2 as amended, 8.2a as amended, 8.3 as amended, 8.5 as presented, 8.6 as presented, 8.8 as amended, and 8.13 as amended. Mr. Orr seconded the motion which was approved unanimously.

Mr. Farr questioned the need to bring administrative changes to policies to the Policy Committee and SERC. Samantha Ladich, Deputy Attorney General, advised there was no need and staff can make administrative changes as long as there are no substantive changes.

**N. \*Discussion/Action regarding establishing a grant cycle for United We Stand grant applications**

Ms. Kennard advised the SERC did a United We Stand (UWS) grant cycle about this time last year. SERC currently has, with the anticipated amount of money expected from the license plates for the rest of this fiscal year and the current encumbered amount, a remaining amount of \$466,000.

Ms. Kennard asked if the SERC wanted to open a grant cycle now, and if so, how much should the grant award limit be set at. Ms. Kennard pointed out

there are three counties and four state agencies who have not used any of their funds from the FY07 UWS grant awards. Some grants have closed out. There is \$306,000 encumbered.

Mr. O'Brien recommended holding this grant cycle until after FFY07 Homeland Security grants come out. All projects are under way through the statewide working group and the State Enhancement Plan for the Homeland Security. Since, they are going to be under funded, Mr. O'Brien suggested it might be worthwhile to hold this grant cycle until after it is known what the homeland security grant supported. A discussion ensued about when to begin the UWS grant cycle.

Mr. Farr made a motion to begin the grant cycle for UWS grant with the applications being sent out the first part of Spring and awarded in the July SERC meeting. The available maximum grant award is \$30,000 per applicant. Mr. O'Brien seconded the motion which was approved unanimously.

#### **O. Report of Executive Director**

Ms. Kennard advised there is a hearing making an order on the Illinois settlement scheduled for today. Ms. Kennard will attempt to get a copy of the settlement to see if and how it affects the SERC's processes.

The Nevada Dept. of Administration/Internal Audit Section did an audit on the SERC's financial controls. There were no exceptions or findings made. The auditor's recommendations for updates of some of the SERC's internal controls were basically governed by the Dept. of Public Safety (DPS). Ms. Kennard stated she is working with the DPS internal auditor to make those changes.

As directed at the last SERC meeting, Ms. Kennard sent a letter to all LEPCs regarding compliance with SERC and EPCRA requirements.

Ms. Kennard stated the Legislature is in session and SERC's budget closing is scheduled for today. The DPS/Division of Administration is representing the SERC at this hearing. There are no questions expected and no issues. All requests are expected to be approved except the upgrade to the Executive Director's position.

EPA notified SERC their staff have been contacting and inspecting facilities in Washoe county.

Ms. Kennard and Mr. Wright are working on the SERC and SFM Memorandum of Understanding (MOU).

The next SERC quarterly meeting is set for July 12, 2007. If Commissioners are not going to be able to attend they need to let staff know as soon as possible.

Mr. O'Brien and Mr. Porta both advised they would not be able to attend the July meeting.

## **V. PUBLIC COMMENTS**

Ms. Kennard advised public comment was made at the last Planning and Training Subcommittee and Funding Committee meetings from Russ Pedersen, Chair of Washoe LEPC. Mr. Pedersen made a presentation requesting the SERC consider entering into a contract with a consultant to review and revise all LEPC hazardous material plans, so the plans would have the same content. At the Planning and Training Subcommittee meeting, the Committee felt the individuals that use the plan should develop, review, modify and maintain their plans to stay familiar with it. Ms. Kennard stated the Funding Committee liked the suggestion. Mr. Giomi stated Mr. Pedersen suggested SERC hire a consultant to create a model plan for the counties and go to each county and assist in constructing that plan. Mr. Farr stated with the template it is still the intent the LEPC do its own work. Ms. Crowley added that years ago SERC stressed LEPCs need to own their plan. Mr. O'Brien stated using a template/contractor should be made voluntary.

Mr. Brenner will contact Mr. Pedersen and discuss this with him and report at the next SERC meeting.

## **VI. ADJOURNMENT**

Mr. O'Brien made a motion to adjourn the meeting at 11:11 a.m.